



**Defense Teams Quiz Civil Party on Prior Testimony**  
By Mary Kozlovski

On Tuesday, August 28, 2012, trial proceedings in Case 002 involving the accused Nuon Chea, Ieng Sary and Khieu Samphan resumed at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Reserve Trial Chamber Judge Claudia Fenz replaced Trial Chamber Judge Silvia Cartwright, who was absent from the hearing.

Defense teams for Nuon Chea and Ieng Sary concluded their examination of civil party Em Oeun, while lawyers for Khieu Samphan began their questioning. Defense teams partly attempted to clarify inconsistencies observed in Mr. Oeun's testimony and prior statements.

Ieng Sary waived his direct presence in the courtroom and followed proceedings from a holding cell. Khieu Samphan and Nuon Chea were present in court, but Nuon Chea retired to the holding cell after the morning session, citing health issues.

***Nuon Chea Defense Continues Examination of Em Oeun***

International Co-Lawyer for Nuon Chea Jasper Pauw continued his questioning from Monday by first attempting to clarify the dates of Mr. Oeun's trip to Phnom Penh for medical and political training during the Democratic Kampuchea (DK) period. Mr. Oeun struggled to provide a clear

timeline for these events. Mr. Pauw asked Mr. Oeun when he attended a political training session at Borei Keila, to which Mr. Oeun responded that the session was in July and in late 1977. Mr. Pauw inquired about Mr. Oeun's arrival at the Khmer-Soviet Friendship Hospital<sup>1</sup> in Phnom Penh – the civil party said he arrived in June 1975 – and proceeded to ask how long Mr. Oeun had been at the hospital when he attended the political training at Borei Keila. National Civil Party Lead Co-Lawyer Pich Ang interjected, arguing that the question was repetitive. Trial Chamber President Nil Nonn told Mr. Oeun to respond to the question, as his recollection of dates was important.

Mr. Oeun said he believed he attended political training at Borei Keila about two months after his arrival in Phnom Penh in late June. Mr. Pauw attempted to gather whether Mr. Oeun participated in that training session around August or September 1975. Mr. Oeun's response was cut off by an objection from International Senior Assistant Co-Prosecutor Vincent de Wilde, who argued that Mr. Oeun already testified that he attended the meeting at Borei Keila at the end of June or early July 1977, and he believed Mr. Pauw had not paid attention to all information provided. Mr. Pauw argued that it was crucial to establish whether the civil party was accurate and truthful in his prior statements and pointed out that there was uncertainty over several important dates. President Nonn overruled the objection.

Mr. Oeun provided another answer, stating that he attended the political training in 1976, and he told the court previously it was perhaps late 1976 or early 1977. President Nonn asked Mr. Oeun to be more precise, pointing out the lack of clarity in his responses. Mr. Oeun responded to President Nonn that he attended political training in June 1976, then July 1976. In an attempt to clarify the issue, Mr. Pauw again asked Mr. Oeun if he participated in the political training session at Borei Keila two months after starting work at the hospital, which Mr. Oeun confirmed.

With this answer, Mr. Pauw turned his questioning to Sar Sarin, about whom he had queried Mr. Oeun in his August 27 testimony. Mr. Pauw inquired what Mr. Sarin told Mr. Oeun about a political training session in which Mr. Sarin participated at Borei Keila. Mr. Oeun said Mr. Sarin told him he attended a training session for six days, after Mr. Oeun told him about his political training and medical training at the hospital. When Mr. Pauw asked if it was possible the two attended the same training session, Mr. de Wilde said the question was repetitive. Mr. Pauw argued that it was an important point to clarify, amid confusion over dates of attendance. President Nonn sustained the objection, stating that the question was repetitive and may encourage the civil party to speculate.

Mr. Pauw asked if Mr. Sarin told Mr. Oeun that the names of traitors like Koy Thuon were mentioned at the political training session he attended. Mr. Oeun refrained from answering because the question was "repetitive." President Nonn reminded Mr. Oeun that only the Trial Chamber had discretion to decide whether a question should be answered, and he should avoid deviating from the questions being posed. Mr. Oeun said he could only recall Mr. Sarin telling him that he attended a training course.

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<sup>1</sup> The names "Russian hospital," "Khmer-Soviet Friendship Hospital or Cambodia-Soviet Friendship Hospital," and "17 April Hospital" refer to the same facility in Phnom Penh.

### ***Defense Steers Questioning to Civil Party’s Interactions with DC-Cam***

Mr. Pauw sought to confirm if Mr. Oeun had written a second victim information form at the Documentation Center of Cambodia (DC-Cam)<sup>2</sup> in Phnom Penh. Mr. Oeun said he had written the form in his own handwriting but also asked DC-Cam staff to assist him at their Phnom Penh office because the forms were complicated. Mr. Oeun said he was at DC-Cam for a short time – an hour, or an hour and a half – when he asked for such assistance and was present to affix his



thumbprint. Mr. Oeun recalled that he handwrote the information at his house and a DC-Cam representative copied it onto the form for him. In response to an inquiry by Mr. Pauw, Mr. Oeun said the representative did not show him any photographs, such as those of senior DK leaders.

When Mr. Pauw showed Mr. Oeun a copy of his victim information form, Mr. Oeun said it was written in his handwriting but noted that others wrote the English version, which he had confirmed by affixing his thumbprint to it. Mr. Oeun said his handwriting might contain errors because he was not very literate and quite busy at the time.

Mr. Pauw referred to another handwritten portion – an addendum to the victim information form that was provided later – asking Mr. Oeun if it was in his handwriting. Mr. Oeun said the handwriting belonged to someone else, as he asked for assistance in filling in that section. Mr. Pauw noted the original victim information form was dated January 29, 2010, and the addendum was dated March 23, 2010, and queried why Mr. Oeun provided further information after a two-month gap. Mr. Oeun said there was a delay because he was living in the countryside at the time.

Mr. Pauw read what he understood to be the timeline<sup>3</sup> and asked Mr. Oeun if it was his idea to provide supplementary information or someone else’s. Mr. Oeun reiterated that he had only a short amount of time to complete the first form and decided he wanted to add more information and requested DC-Cam’s assistance. In response to a particular question from Mr. Pauw, Mr. Oeun said the DC-Cam representative who assisted him did not know there was political training conducted at Borei Keila. Mr. Oeun testified that DC-Cam told him if he was a victim of the regime he could obtain a victim information form from them and that he only wrote about his own suffering.

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<sup>2</sup> DC-Cam is a sponsor of the *Cambodia Tribunal Monitor*, and its director, Youk Chhang, serves as co-managing editor.

<sup>3</sup> Mr. Pauw summarized the timeline as follows: “On January 25, 2010, you provided a victim information form, and you have stated that that was written by you. Four days later, on January 29, 2010, you went to DC-Cam and provided a lengthy statement, and today you testified that was in your own handwriting. Then there was a time period of two months – a gap of two months – until you provide an addendum, or as it’s called supplementary information, and that is dated March 23, 2010.”

Mr. Pauw inquired about two people named Khieu Sarun and Khieu Samnup<sup>4</sup> who were listed in Mr. Oeun's victim information form as "possible witnesses." Mr. Oeun said he had never met Khieu Samnup but he knew Khieu Sarun, who was his cousin and a member of Sector 20.

Mr. Pauw asked the civil party to describe the occasions on which he "fled into the jungle" during the DK period. Mr. Oeun recalled that he fled with his wife from Sector 20 during rainy season in 1978 because his life was "a living hell with the CPK [Communist Party of Kampuchea]." He said there was no "counter-Khmer Rouge movement" then, so they fed themselves on leaves and other byproducts, and were later joined by others who had also fled. "I could not remember exactly the month, although I still recollect that it was a rainy season because it was flooded and we had to run through the water," Mr. Oeun said.

Mr. Pauw read from Mr. Oeun's victim information statement, quoting him as saying that he fled from the Sector 20 hospital in Prey Veng province in 1977. Mr. Oeun said they were then focused on survival. He apologized for being unable to recall the exact date and admitted he may have erred in his writing. Mr. Pauw then quoted Mr. Oeun as saying that in 1975 he was assigned as a medic despite having "no medical background," noting that he previously testified to receiving medical training since childhood. In response, Mr. Oeun explained that he learned on the job but was never "formally" trained in medical skills in a manner recognized by the state.

Turning to Mr. Oeun's previous testimony about arrests at the hospital in Phnom Penh, Mr. Pauw read an excerpt in which the civil party testified that he never saw with his own eyes trucks taking people away, and he asked if Mr. Oeun stood by the statement. Mr. Oeun said he did not see people carried away in ambulances because they were "covered" but he saw people taken in a military truck from the hospital. Mr. Pauw noted that there might be a discrepancy in the transcript stemming from a translation issue, and he would confer with his colleague, National Co-Lawyer for Nuon Chea Son Arun.

### ***Defense Probes Civil Party on Medical Training in Phnom Penh***

Mr. Pauw then asked Mr. Oeun about Chuon Choeun's role in his training. Mr. Oeun replied that Chuon Choeun was head of the hospital's "technical unit" who did not give political training or teach theory but provided practical "on the job" training, such as inspecting patients with malaria, liver problems, or swollen legs. Citing Mr. Oeun's previous testimony, Mr. Pauw asked what the aforementioned Korean and Chinese individuals at the hospital did. Mr. Oeun said they usually taught trainees theory, but the Chinese individuals liked to use needles for acupuncture treatment and taught trainees how to "perform surgery."<sup>5</sup>

Mr. Pauw asked if Chuon Choeun was skilled in teaching a certain topic. Mr. Oeun said Chuon Choeun was educated in France, specialized in heart surgery, and performed a heart transplant in 1972. Mr. Oeun testified that Chuon Choeun said he was "precise and specific" and "skillful" about heart-related problems, which he had received training on in France. In response to Mr. Pauw, Mr. Oeun confirmed that "Ny" was a trainer who specialized in lung-related disease and treating tuberculosis, though he did not know where Ny was educated.

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<sup>4</sup> These names were unclear in the English translation.

<sup>5</sup> It was unclear in the English translation if "performing surgery" referred to acupuncture techniques.

Mr. Pauw turned to Mr. Oeun's prior testimony about a political training session he attended at Borei Keila. Mr. Pauw quoted Mr. Oeun as saying in his first victim information form that Khieu Samphan spoke about women who "destroyed needles" and that Mr. Oeun also mentioned this in his August 23 testimony. Mr. Pauw asked if any other senior leaders spoke about "breaking needles." Mr. Oeun asserted that he did not accuse Khieu Samphan of saying that women "broke needles" but noted that the phrase was included in study documents on which politicians and leaders commented. He further testified that the mention of needles was a reference to party discipline.

They said that in order to find out who would be the infiltrated enemies, then we needed to look at those people performance, so to do so one needed to allow people to work more, eat less. And they had to look into the activity of the persons who were doing farming and if these individuals every now and then broke things, even needles – if women broke needles often – these people could also be perceived as enemies. Not just women, anyone.

Mr. Pauw noted Mr. Oeun said previously that he worked as a medical doctor at Sector 20 under the supervision of Comrade Kom,<sup>6</sup> and the counsel inquired if this individual was in charge of the hospital or of Sector 20. Mr. Oeun said he never mentioned a "Kom" but "Outh" was head of the hospital attached to Sector 20. When Mr. Pauw again inquired about a "Comrade Kom" mentioned in Mr. Oeun's August 23 testimony, National Civil Party Lawyer Kim Mengkhy stated that the Khmer transcript recorded the name as "Khim," not "Kom." Mr. Oeun subsequently stated that "Khim" was the secretary of Sector 20.

The Nuon Chea defense team concluded their examination.

### ***Ieng Sary Defense Team Examines Civil Party Em Oeun***

International Co-Lawyer for Ieng Sary Michael Karnavas began his questioning by citing a statement in Mr. Oeun's civil party application – with which he was assisted by DC-Cam – in which he said he was assigned to work in 1975 as a medic though he had "no medical background."<sup>7</sup> Mr. Oeun confirmed that he wrote the statement.

Mr. Karnavas then asked Mr. Oeun about a report on his civil party application written by others.<sup>8</sup> Mr. de Wilde interjected and asserted that Mr. Oeun had already clarified the issue. Mr. Karnavas argued that as he represented a different client to other defense teams, he was entitled to explore the issue as it went to Mr. Oeun's credibility and status as a civil party. President Nonn sustained the objection, stating that the question was repetitive.

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<sup>6</sup> Pronunciation of "Kom" and "Khim" was unclear in the English translation, but it appears to refer to a man previously identified as "Kham: – secretary of Sector 20 – in Mr. Oeun's prior testimony.

<sup>7</sup> Mr. Karnavas quoted the rest of the passage as follows: "If I dared refuse, I would have been alleged to be an enemy. If I was not able to heal people, I would have been alleged to be an enemy. This is what I experienced in Sector 20 in 1975 under the leadership of Ta Outh. Later in 1976 the Angkar included me as an active member of the regime. In the same year the Angkar sent me to undertake a study in Phnom Penh. I was very scared, as my father had disappeared after going for the study as well. During the study course, I stayed at the Cambodian-Soviet Friendship hospital in Phnom Penh."

<sup>8</sup> Mr. Karnavas quoted the report as follows: "The applicant stated that even though he had no knowledge about it, in 1975 he was designated to be a doctor in Sector 20, which had the chief named Ta Outh. If he could not cure patients, he would be killed."

Mr. Karnavas moved his questioning to Mr. Oeun's August 23 testimony, quoting him as saying in a response that he was a doctor prior to April 17, 1975, and his "grand-uncle" taught him medical skills when he first came to Phnom Penh. Mr. Karnavas asked if Mr. Oeun's uncle was a traditional doctor or one who had received formal education. Mr. Oeun said his uncle was a doctor at the Khmer-Soviet hospital during the regime of King Norodom Sihanouk.



Mr. Karnavas turned his questioning to the civil party's prior comments about receiving medical training in Vietnam, asking what type of training it was and how long it took. Mr. Oeun said that the Khmer Rouge had a shortage of medics and he was asked through his "grand-uncle" to be trained in Vietnam. After Mr. Karnavas asked a follow-up question, Mr. Mengkhy stated that Mr. Oeun previously said some Vietnamese people had trained him. Mr. Karnavas cited Mr. Oeun's prior testimony from the English translation and sought clarification from Mr. Oeun. Eventually Mr. Oeun confirmed that after he arrived home from Phnom Penh, So Phim allowed him to attend medical training sessions in

Vietnam with his father's approval; he spent three years there before returning to Cambodia.

In response to Mr. Karnavas' questions, Mr. Oeun confirmed that he acquired some medical skills at a young age from his grand-uncle and that his father, So Phim, and Khim asked him to work as a doctor for the sector prior to the fall of Phnom Penh. Mr. Karnavas then quoted Mr. Oeun as saying that the sector assigned him to teach medical skills, and he asked the civil party whether he began teaching before or after the fall of Phnom Penh. Mr. Oeun said he taught both before and after that event, but he was less knowledgeable prior to the fall of Phnom Penh. After quoting Mr. Oeun's prior testimony that he taught medical ethics and noted the party policy was "good," Mr. Karnavas asked if that was how he understood the policy before the fall of Phnom Penh. Mr. Oeun confirmed this, testifying that the policy was "decent enough" before 1975 but he was "surprised" by policy change after the fall of Phnom Penh.

Mr. Karnavas again quoted from Mr. Oeun's testimony, which stated that people "admired" him for his medical skills and he was asked to treat, inquiring as to what time period Mr. Oeun was referring. In response to Mr. Karnavas' queries, Mr. Oeun said he was referring to the pre-1975 period, but he did not receive feedback after 1975 because he and others were "intimidated" and "frightened" following the fall of Phnom Penh. "Before 1975, they admired my medical skills, and after 1975, they continued to use my medical expertise, and even to date they still come to me for medical advice and assistance," Mr. Oeun testified.

When asked about the duration of his medical training in Phnom Penh, Mr. Oeun reiterated that he completed only nine months of a one-year course but also attended short medical training courses that lasted for two months or so that were not very rigorous but allowed him to obtain some basic skills. Mr. Oeun said people had to be "skillful" in their tasks during the DK regime or their lives would be in "serious risk."

Mr. Karnavas inquired as to how long Mr. Oeun practiced medicine after returning from Vietnam and before traveling to Phnom Penh, to which Mr. Oeun said he worked at the Sector 20 hospital but could not recall for how long. Mr. Karnavas attempted to clarify Mr. Oeun's age, and the civil party testified that he was born in 1951 and was 61 years old, but he "changed it from time to time". When Mr. Karnavas asked why Mr. Oeun would change this information, Mr. de Wilde stated that he did not understand the line of questioning, and it was logical that a person's age changed as time went by. Mr. Karnavas said the answer called Mr. Oeun's veracity into question. Mr. Oeun said that he had changed "in terms of time".

Mr. Karnavas returned to Mr. Oeun's comment in his civil party application that in 1975 he had "no medical background" and inquired if – based on his prior testimony – he maintained this, to which Mr. Oeun responded that he stood by his statement and to what he wrote and affixed his thumbprint. At this point, Mr. Mengkhy suggested that questioning be paused as Mr. Oeun was "moved."

### ***Defense for Ieng Sary Resumes Examination***

Following a midday recess – that was extended because Ieng Sary was undergoing a medical assessment – Mr. Karnavas resumed his questioning of Mr. Oeun by returning to the civil party's August 23 testimony. Mr. Karnavas asked if, when Chuon Choeun was training people at the hospital in Phnom Penh, he explained the importance of being a doctor and providing good treatment. Mr. Oeun said Chuon Choeun did not explain such things and confirmed to Mr. Karnavas that medical training by Chuon Choeun and the aforementioned Korean and Chinese experts was "proper."

After quoting from Mr. Oeun's August 23 testimony about his return from Phnom Penh, the defense counsel asked Mr. Oeun about "political training sessions" he gave to people at the base. Mr. Oeun said he instructed people in hygiene and sanitation as ordered by Outh as head of the hospital at Sector 20, and he also inspected commune hospitals, which did not have proper medicine like provincial hospitals and used "rabbit pellet medicines." Mr. Oeun further testified that prior to 1975 there was a proper hospital in "Zone 20."

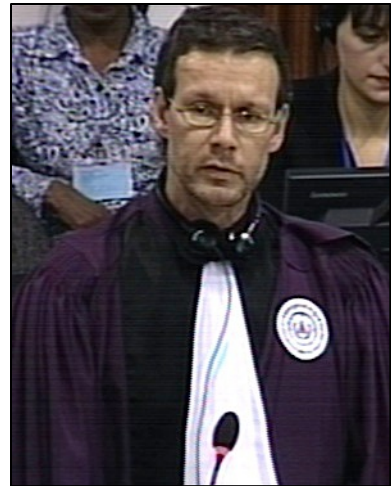
Again citing Mr. Oeun's August 23 testimony, Mr. Karnavas sought confirmation that Mr. Oeun did not see medical experimentation in Phnom Penh. Mr. Oeun confirmed that he only saw such experimentation at the military hospital in Sector 20, though he worked at the general hospital at the time. Mr. Karnavas referred to Mr. Oeun's previous comment – "the truth is I was also involved in this" – and inquired about the extent of his involvement in experimentation on live patients. Mr. Oeun said he saw when peoples' fingers were cut and removed and their flesh was "vivisected" and removed. Mr. Oeun also recalled that the operation was "on a small scale and a large scale" and they were told to observe the procedures carefully before they could operate. "Although they told us that people could be destined for execution, but we had to operate on them professionally, technically," Mr. Oeun testified.

When Mr. Karnavas asked who invited Mr. Oeun to observe the procedures, Mr. Oeun said that people followed the party's instructions and that he – along with trainees – went to the hospital under the orders of Outh, the head of the hospital, who also ordered the operations.

***Counsel for Ieng Sary Presses Civil Party on Political Training at Borei Keila***

Turning to Mr. Oeun’s testimony on political training at Borei Keila, Mr. Karnavas quoted two passages that referred to Ieng Sary<sup>9</sup> from his August 23 and August 27 testimony respectively, asking if Mr. Oeun could independently recall seeing Ieng Sary during the political training session. Mr. Oeun testified that he did see Ieng Sary. Mr. Karnavas then read a portion of the supplementary information to Mr. Oeun’s civil party application, filed with DC-Cam’s assistance, which stated that he “saw Mr. Pol Pot, Nuon Chea, Mr. Khieu Samphan, and Ms. Ieng Thirith there.” In response to questions from Mr. Karnavas on this statement and his seriousness in filing the application, Mr. Oeun said he might be mistaken with some questions and he did see Ieng Sary but did not wish to mention it “seriously.” Mr. Oeun confirmed that he had written the information and was serious when he filed it because he lost his loved ones and wanted to make sure his voice and his suffering were heard.

Mr. Karnavas then referred to a “report” on Mr. Oeun’s civil party application dated April 30, 2010, which stated that Mr. Oeun recalled seeing Pol Pot, Nuon Chea, Khieu Samphan and Ieng Thirith during his study. At this point, Mr. de Wilde stated that Mr. Karnavas was citing a report on the civil party application written by the Victims Support Section (VSS), which did not add anything, and he should limit his examination to documents signed by the civil party. Mr. Karnavas said he was attempting to point out that others were relying on the information in the report but moved on with his questioning.



Mr. Karnavas cited another document, in which he quoted Mr. Oeun as saying he worked as a medic at the Russian hospital in Phnom Penh in 1975 and was sent to undertake “communist party policy” at Borei Keila where he was instructed by Pol Pot, Nuon Chea, and Khieu Samphan for an hour. When Mr. Karnavas noted that nothing was mentioned about Ieng Sary, Mr. Oeun replied that he saw Ieng Sary “very briefly,” that the event occurred some 40 years ago, and that he had forgotten some of it. The civil party asserted that in his earlier statement he did not mention Ieng Sary and later added that he saw him “briefly.” Mr. Karnavas noted that he had looked at all of Mr. Oeun’s applications and could not find a reference to Ieng Sary being present at those training sessions at Borei Keila. Mr. Oeun stated that people “forget things,” and he could only acknowledge that he made the statements and tried to recall past events.

Mr. Karnavas then asked if Mr. Oeun’s experience had slipped his mind when he told DC-Cam that he had “no medical background.” Before Mr. Oeun could answer Mr. de Wilde objected that Mr. Karnavas’ tone was “aggressive” and it was inappropriate to try to “destabilize” a civil party.

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<sup>9</sup> Mr. Karnavas referred to several excerpts from Mr. Oeun’s testimony, including: “At the time, I saw Comrade Pol Pot and I saw Mr. Nuon Chea, Mr. Khieu Samphan, and I am not sure whether or not I saw Mr. Ieng Sary” (August 23, 2012); “Concerning those four people [Pol Pot; Ieng Sary; Nuon Chea; Khieu Samphan], I have met them but very briefly when I was attending political training at Borei Keila” (August 27, 2012); and a response to the prosecutor that he was not “sure” about Ieng Sary having spoken or delivered a speech at the session (August 27, 2012).



The prosecutor also said Mr. Oeun previously clarified that he did not have formal medical training accompanied by a diploma but had received informal training. Mr. Karnavas countered that Mr. Oeun claimed after decades had passed he could not remember every detail, and the defense wished to know whether he stated he had no “medical background” because he had a memory lapse, or he was not telling the truth when filling out his application. After a brief discussion among judges, President Nonn said the objection was sustained.

### ***Cross-Examination Moves to Civil Party Testimony about Forced Marriage***

Mr. Karnavas began his questioning on the topic of Mr. Oeun’s marriage by asking when he was divorced from his first wife. When Mr. Oeun replied that he was unsure that speaking of his divorce was conducive to court proceedings, President Nonn reminded him that the chamber had discretion to decide whether questions were responded to or not and instructed him to respond. There was a somewhat confusing exchange after Mr. Ang stated that the question had already been asked of and answered by the civil party, and the accused should also be bound by the duty to respond to questions put by other parties. In response, President Nonn said that if the civil party exercised his right to remain silent from the beginning, the chamber would not have summonsed him to testify.

In response to Mr. Karnavas’ queries, Mr. Oeun said he divorced from his wife in 2002. Mr. Karnavas quoted Mr. Oeun as saying in the information he handwrote and provided to DC-Cam when seeking help with his civil party application, that when he returned to his village, “Angkar was arranging my marriage with my current wife.”<sup>10</sup> When Mr. Karnavas asked if Mr. Oeun was being honest, truthful, and accurate when he wrote this, Mr. Oeun responded that he divorced his first wife in 2002 and then remarried, but in the statement he did not distinguish between the two and erred in his writing at the time.

Mr. Karnavas moved his questioning to Mr. Oeun’s father Ouk Samem, quoting the civil party as saying in a document that Eastern Zone chief So Phim arrested his father – a member of the Sector 20 committee – in 1974 under the pretext of calling him for study, and he was taken to be killed. Mr. Karnavas said Mr. Oeun mentioned others who were taken but survived, including Mao Cheang, Sim Kar, and Khieu Sarun. Mr. Karnavas then referred to the supplemental information in Mr. Oeun’s civil party application, in which he stated that his father was summoned by the Angkar<sup>11</sup> to study at the center in early 1977 and henceforth disappeared. Mr. Karnavas queried the difference in years. Mr. Oeun said he provided the information to people from DC-Cam who assisted him and brought him the document to be thumb-printed, but he did not have time to review it thoroughly. Mr. Oeun testified that he believed 1977 was not the correct date. Mr. Karnavas asked Mr. Oeun to clarify if his father was taken away in 1974. Mr. Oeun said he believed he stated at the time that his mother died after she saw his father taken away without referring to a particular year, though he affirmed the veracity of the events. Mr. Oeun said he made a mistake in not paying enough attention to verifying the date when he wrote the information and struggled to remember the exact date.

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<sup>10</sup> Mr. Karnavas stated that the “supplemental” information was dated January 29, 2012.

<sup>11</sup> Mr. Karnavas noted that the phrase “So Phim was the man who summoned him” was included in parentheses in the document.

Mr. Karnavas read an excerpt attached to Mr. Oeun's civil party application on January 25, 2010, which stated that his parents – who were on the “Sector 20 Prey Veng province committee” – were taken to be “allegedly killed” for being opposed to communism in Prey Veng's Sector 20 in late 1975. Mr. Karnavas pressed Mr. Oeun on when his father was taken away and allegedly killed, to which Mr. Oeun responded that he was sure it was 1974. When asked why his prior statements on the date of his father's disappearance were inconsistent, Mr. Oeun said that he did not say his father was executed, only that he disappeared in 1974, and his mother died in the same year because she saw him being taken away. Mr. Oeun apologized for his inconsistency and commented that he believed others would experience similar problems with their memories.

When Mr. Karnavas asked how the civil party knew that Mao Cheang, Sim Kar, and Khieu Sarun, among others, were taken away but spared, Mr. Oeun said he did not say the three were being taken for execution, though they knew his father was removed. Mr. Oeun stated:

Mr. Khieu Sarun was my father's nephew when Mr. Mao Cheang was his workmate, and Mr. Sim Kar was in charge of the messenger section at Sector 20. And that's why I said that these three individuals were those who could support the idea that my father was actually taken away, and I just wish to be proven – that my statement be proven by these individuals – that the statement I make is true. Mr. Sim Kar is in Phnom Penh now, and Mao Cheang in Kampong Cham and another person Khieu Sarun is with me in the same village now.

With this response, the Ieng Sary defense concluded its examination of Em Oeun.

### ***Defense Team for Khieu Samphan Begins Examination***

International Co-Lawyer for Khieu Samphan Anta Guissé began questioning of Mr. Oeun by seeking to clarify – as her colleagues in the other defense teams did – certain dates recounted in the civil party's testimony. In response to Ms. Guissé's first question, Mr. Oeun confirmed that it was before the 1970 coup d'état that he went to Sector 20 after staying with his uncle in Phnom Penh. Citing his father's stated disappearance in 1974 and Mr. Oeun's August 23 testimony that referred to his father being party to the decision for him to be a doctor in Sector 20, Ms. Guissé questioned whether Mr. Oeun therefore must have worked in Sector 20 before 1974. Mr. Oeun said he could not recall the exact date, but it could have been 1974.<sup>12</sup>



Moving to clarify the date of Mr. Oeun's wedding, Ms. Guissé cited Mr. Oeun's August 23 testimony that he chose April 17 and asked if his family could attend because it was a holiday to commemorate the April 17, 1975, victory. Mr. Oeun said that he recollected the day as April 17, but he could not recall the year. In an attempt to clarify in which year Mr. Oeun was married – referring to his testimony that it could have been 1977 or 1978 – Ms. Guissé read from his victim information form that he agreed with Angkar to marry on April 17, 1977, during Khmer New Year. Mr. Oeun confirmed it was a summary of his comments, and he recalled referring to that date.

<sup>12</sup> When Em Oeun spoke about these dates, the testimony and English interpretation were unclear.

Ms. Guissé read another statement from Mr. Oeun’s victim information form, in which he said he was made a cadre at the Sector 20 hospital in early 1977, and he and a fellow cadre were forced to marry along with three other couples. In response to a query from Ms. Guissé, Mr. Oeun agreed that both statements referred to him being married in 1977 and that this occurred after he returned from his training at the Khmer-Soviet hospital in Phnom Penh.

Ms. Guissé then asked Mr. Oeun to confirm that he told Mr. Pauw he arrived in Phnom Penh for study at the Khmer-Soviet hospital in July 1976. Mr. Oeun confirmed the information and, in response to questions from Ms. Guissé, agreed that the training sessions lasted for nine months after which he returned to his sector.

President Nonn reminded the defense counsel that she must refrain from asking Mr. Oeun leading questions, and her last questions were “rather suggestive.” Ms. Guissé stated that the questions were not leading, and she was trying to establish a clear chronology of events. President Nonn responded that Mr. Oeun had previously said he came to work in Phnom Penh in June 1975, and if Ms. Guissé asked questions that elicited a yes or no answer, Mr. Oeun may be confused.

Moving on, Ms. Guissé asked Mr. Oeun if the functions of Nuon Chea as Chairman of the People’s Representative Assembly and Khieu Samphan as President of the State Presidium – cited by Mr. Oeun during his testimony about political training at Borei Keila – were explained to him by So Phim before he left for Phnom Penh. Mr. Oeun replied that he was told of the roles of Nuon Chea and Khieu Samphan by So Phim and his father and he had never met them in person.

Ms. Guissé quoted from a document entitled “Document relating to the First Congress of the First Legislature of the Assembly of Peoples of Kampuchea” dated April 11 to 13, 1976, which refers to Nuon Chea and Khieu Samphan being appointed to the aforementioned positions.<sup>13</sup> She suggested to Mr. Oeun that it would therefore be difficult for his father who died in 1974 to discuss these positions with Mr. Oeun.

Mr. Oeun replied that his father told him this information before the appointments because he was an official who commuted to Phnom Penh often and talked to Mr. Oeun about the Khmer Rouge, whose “internal working structure” he understood. Ms. Guissé pressed Mr. Oeun on what his father told him about Khieu Samphan and Nuon Chea in 1974 before he died, to which Mr. Oeun said he could only recall certain facts, which he indicated in his statements. Ms. Guissé asked Mr. Oeun if his response to the prosecution on August 27 that he understood Nuon Chea and Khieu Samphan’s duties and functions when he saw them at Borei Keila was wrong, due to

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<sup>13</sup> Ms. Guissé quoted the passages as follows: “At the same time, the Assembly chose the composition of the standing committee of the People’s Representative Assembly of Kampuchea and the composition of various commissions of the Assembly as well. The Standing Committee of the People’s Representative Assembly of Kampuchea has the following composition: 1. Comrade Nuon Chea - Chairman”; “After careful and detailed discussion of their various qualities in every aspect, the Assembly approves the selection and appointment of the presidium of state Democratic Kampuchea with the following composition. 1. Comrade Khieu Samphan – Chairman, 2. Comrade So Phim - First Deputy Chairman.”

his faulty memory, or untruthful. Mr. Oeun said he did not make a mistake and his statement was correct, though he may have erred on the dates.

President Nonn adjourned proceedings, which are set to continue on Wednesday, August 29, 2012, at 9 a.m. with further questioning of Em Oeun by the defense for Khieu Samphan.